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FM AMEMBASSY SANTO DOMINGO
TO RUEHC/SECSTATE WASHDC PRIORITY 0523
INFO RUEHZA/WHA CENTRAL AMERICAN COLLECTIVE PRIORITY
RUEAIIA/CIA WASHINGTON DC PRIORITY
RUCOWCV/CUSTOMS CARIBBEAN ATTACHE MIAMI FL PRIORITY
RUEAWJA/DEPT OF JUSTICE WASHDC PRIORITY
RUEATRS/DEPT OF TREASURY WASHDC PRIORITY
RHMCSUU/FBI WASHINGTON DC PRIORITY
RUEAHLA/HOMELAND SECURITY CENTER WASHINGTON DC PRIORITY
RUEPINS/HQ BICE INTEL WASHINGTON DC PRIORITY
RHEFHLC/HQS DHS WASHDC PRIORITY
RUCPDOG/USDOC WASHDC PRIORITY 1735
RUMISTA/CDR USSOUTHCOM MIAMI FL PRIORITY

UNCLAS SANTO DOMINGO 000561

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DEPT FOR WHA, WHA/CAR, WHA/EPSC, EB/IFD/OMA
DEPT PLEASE PASS SEC, FEDERAL RESERVE
DOJ FOR OIA (FARRAR AND KRANTZ)
SOUTHCOM ALSO FOR POLAD

E.O. 12958: N/A

TAGS: [EFIN](#) [KJUS](#) [KCOR](#) [PGOV](#) [DR](#)

SUBJECT: DOMINICAN REPUBLIC: BANINTER BANKING CONVICTIONS
UPHELD/EXPANDED ON APPEAL

REF: A. 2007 SANTO DOMINGO 2721

[1](#)B. 2007 SANTO DOMINGO 825

[1](#)1. In a key blow to impunity, the 3rd Chamber of the National District's Court of Appeals early this morning upheld the convictions of senior banking officials involved in the disastrous 2003 bankruptcy of Banco Intercontinental (Baninter), made additional findings of guilt for a previously convicted individual, and made completely new findings of guilt for a third, who had initially been acquitted in the trial court. (See REFTELS for background and trial court decision.) The critical points of the most recent decision are detailed below:

-- Ex-bank President Ramon "Ramoncito" Baez Figueroa: conviction for violation of monetary and banking laws upheld, as was the trial court's imposition of a 10-year prison sentence;

-- Ex-bank Vice President Marcos Baez Cocco: conviction for violation of monetary and banking laws upheld; a new conviction for money laundering entered; and a new sentence of 10 years incarceration (to run concurrently with the 8-year sentence previously imposed for his violation of monetary and banking laws) imposed;

-- Dominican-American economist and financier Luis Alvarez Renta: conviction for money laundering was upheld, as was the trial court's imposition of a 10-year sentence; and

-- Ex-Bank Vice-President Vivian Lubrano de Castillo: new conviction entered for "abuse of confidence" (she was previously acquitted by the trial court, but is now held to have had knowledge of banking law violations and to have failed in her legal duty to act), coupled with the imposition of a 5-year sentence and the obligation to pay restitution in the amount of 1.5 million pesos (approximately 44,000 USD).

[1](#)2. Defendants will remain free pending the results of a further appeal to the Dominican Supreme Court of what prosecutors and Central Bank attorneys have deemed a "historic" decision.

13. Comment: This decision, in addition to upholding judicial integrity in the fight against impunity, has done much to improve the legal underpinnings of the initial convictions. Gone, now, are at least some of the eye-rasing disparities found in the trial court's verdict (e.g., conviction of Renta for money laundering but acquittal of Baez Cocco), as well as the initial sentencing disparities (i.e., each of the three principal defendants are now receiving identical sentences). While the next phase of the appeals process will undoubtedly drag on for quite some time, the chances of these convictions being upheld on final appeal have markedly improved. End comment.

FANNIN